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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,056	01/15/2004	Charles Philip Fricano	RSW920030224US1	5114

36736 7590 04/23/2007
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EXAMINER

SURYAWANSHI, SURESH

ART UNIT	PAPER NUMBER
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2115

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/758,056

Applicant(s)

FRICANO ET AL.

Examiner

Suresh K. Suryawanshi

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-20 are presented for examination.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 19-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

4. Claims 19-20 are not limited to tangible embodiments. In view of Applicant's disclosure, specification page 15, lines 16-25, the medium is not limited to tangible embodiments, instead being defined as including both tangible embodiments (e.g., recordable-type media, such as a floppy disk, a hard disk drive, a RAM, CD-ROMs, DVD-ROMs) and intangible embodiments (e.g., transmission-type media, such as digital and analog communications links, wired or wireless communications links using transmission forms, such as, for example, radio frequency and light wave transmissions). As such, the claims are not limited to statutory subject matter and are therefore non-statutory.

5. The 101 rejection can be overcome by replacing "readable medium" with "recordable-type media" in claim 19.

Claim Objections

6. Claim 1 is objected to because of the following informalities: “a local clock” should have been “a local clock value” at line 5. Appropriate correction is required.

7. Claim 7 is objected to because of the following informalities: “a local clock” should have been “a local clock value” at line 5. Appropriate correction is required.

8. Claim 13 is objected to because of the following informalities: “a local clock” should have been “a local clock value” at line 7. Appropriate correction is required.

9. Claim 19 is objected to because of the following informalities: “a local clock” should have been “a local clock value” at lines 5-6. Appropriate correction is required.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Sutter (US Patent 6,446,092).

12. As per claims 1, 7, 13 and 19, Sutter discloses a cache database management system for an independent distributed database that includes a network clock and procedures that enable two sites to agree on the age of changed data. The network clock procedures include procedures for relative clocks and reference time agreement. Sutter clearly discloses of at least two sites wherein one site sends and other site receives a fragment including a time-stamp and local clock information of the sending site. Further, Sutter discloses to estimate the relative difference between the clocks of the two sites. Then the receiving site makes an adjustment to the time-stamp or age of the fragment accordingly. Please read col. 22, line 62 – col. 24, line 29; col. 25, lines 53-62; col. 26, lines 56-67. Though Sutter does not use exact words used in the claim language, it will be clear for a routineer in the art that they mean the same. For example, age of the fragment is same to say the expiration value of the cache. Similarly, the fragment of the database itself is nothing more than a cache data for a client or site receiving it.

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13. As per claims 2, 8 and 14, Sutter discloses validating the cache notification event [col. 26, line 56 – col. 27, line 10; also validating a cache notification event is inherent to the system as disclosed by the applicant in the background of the invention].

14. As per claims 3, 9 and 15, Sutter discloses discarding the cache notification event if the cache notification event is invalid [col. 26, line 56 – col. 27, line 10; also validating a cache notification event is inherent to the system as disclosed by the applicant in the background of the invention].

15. As per claims 4, 10 and 16, Sutter discloses that the cache notification event is one of an add event, an update event, and an invalidation even [col. 23, lines 14-25; col. 24, lines 1-6, 1928; col. 26, line 56 – col. 27, line 10].

16. As per claims 5, 11, 17 and 20, Sutter discloses that the time relative information is an expiration value [col. 22, line 62 – col. 23, line 25; age of the fragment].

17. As per claims 6, 12 and 18, Sutter discloses that the expiration value is one of a discrete time and an amount of time relative to a created time [col. 22, line 62 – col. 23, line 25].

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Response to Arguments

18. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suresh K. Suryawanshi whose telephone number is 571-272-3668. The examiner can normally be reached on 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on 571-272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Suresh K Suryawanshi